

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: February 4, 2010, Time 7:00 p.m.
Nolensville Recreation Center

Mayor Beth Lothers opened the meeting at 7:00 p.m. Members present were Mayor Beth Lothers, Aldermen Jimmy Alexander, Tommy Dugger, Larry Felts, and Brian Snyder. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Don Swartz and Recorder Cindy Lancaster. There were 22 citizens present.

The Prayer and Pledge was led by Pastor Joseph Stegall of Providence Baptist Fellowship Church.

Citizens Input:

There was no citizen comment.

Mayor Lothers made a motion to approve the minutes with an amendment from the Regular Meeting on December 3, 2009. On page one, "Alderman Dugger stated that he is aware that not all of the monies have been collected, although we are 40% down in revenues and 26% up in expenditures." Mayor Lothers stated that the Town recorder reviewed the meeting CD and Alderman Dugger stated \$40,000 down in revenues and \$26,000 up in expenditures. With this correction Alderman Dugger seconded the amendment. Mayor Lothers also noted the Town is not really down \$40,000 in revenue and \$26,000 in expenditures. She pointed out that the Safe Route to School Grant is fully refunded to the Town. Mayor Lothers stated that approximately \$22,000 is reflected in the expenses on the treasurer's report. These are grant reimbursable expenses that have not been reimbursed from the state. Additionally, this is an annual budget not a month to month budget for example the liability insurance is paid in November and the property tax revenue is received until the months of January through March. The vote was taken and the minutes were approved unanimously.

Alderman Felts made a motion to approve the Beer Board minutes from January 12, 2010, Alderman Snyder seconded. The Beer Board minutes were approved unanimously.

Alderman Snyder made a motion to approve the minutes for the Special meeting on January 12, 2010, Alderman Alexander seconded. The Special Meeting minutes were approved unanimously.

Mayor Lothers made a motion to approve the treasurer's report for November 2009, Alderman Dugger seconded the motion. With no comment the report was approved unanimously.

Alderman Felts made a motion to approve the treasurer's report for December 2009, Alderman Alexander seconded, with no comment the report was approved unanimously.

COMMITTEE REPORTS:

Committee member Rick Owens reported for the Planning Commission

- Officers were elected. Rick Owens will serve as Chair and Douglas Radley Co-Chair
- A zoning change request was denied for 7047 Nolensville Road
- Burkitt Place Maintenance Bond reduction was approved, in addition to the remaining report

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department

- A written report was submitted at the Special Meeting in January, the Board had no questions

Town Engineer Don Swartz reported for the Engineering Department

- Safe Route to School meeting was attended by 3 citizens
- Sewer project is moving forward. Nolensville did not make application for this project, but will be providing some oversight
- Utility work has been ongoing at Martins Barbeque

Police Chief Paul Rigsby reported for the Police Department

- Compared to year end 2008 - 2009 case load appeared to be the same
- The number of cases solved is up significantly
- Confessions were made for destroying Christmas Decorations
- State accreditation program has been initiated
- Reviewing the possibility of purchasing police cars from Florida
- Chief Rigsby performed the Oath of Office to Officer David Hazelet

Ms. Betty Friedlander reported for the Historic Zoning Commission

- A three car garage was approved, but must go before the Board of Zoning Appeals
- A roof alteration was approved

Mrs. Joyce Powers reported for the Trees and Trails Committee

- Tree planting on Rocky Fork Road will be this weekend
- March 6th trees will be planted at the Park

Alderman Snyder reported for the Economic Development Committee

- Next meeting will be held on March 5th
- Web-site is coming along
- This project is estimated to be approximately \$30,000
- Mrs. Jana Truman has worked extensively on the web-site, in addition to many volunteers resulting in the Town receiving this at no cost

Mrs. Suzie Lindsey reported for the Town Events Committee

- Met for the first time in this calendar year with two new members in attendance
- Currently focusing on obtaining sponsors for the 4th of July Celebration

Mayor's Report:

a. Appointments:

Mayor Lothers stated that Mr. Charles Lawson and Mr. Bob Haines have worked hard serving on the Town of Nolensville Board of Zoning Appeals. Mr. Lawson was commended for his recent appointment as the Tennessee Commissioner of Indian Affairs.

Mayor Lothers brought forward for Storm Water Appeals Board nominee Steve Mishu. Alderman Dugger made a motion to nominate Mr. Steve Mishu for the Storm Water Appeals Board, Alderman Alexander seconded, and the Board unanimously approved Mr. Mishu's appointment.

b. Town Hall Update:

Mr. Bill Tisano addressed the Board, stating that currently he has a commitment for financing the Town Hall building. He added this is the fourth commitment for financing with the first being Pinnacle Bank, who is currently not lending money for Commercial Projects. He noted that two of the four lenders fraudulently misrepresented themselves.

Mayor Lothers stated that the Town cannot move forward to finalize the project until a written financing contract is obtained. Alderman Alexander added that it had almost been a year. Mayor Lothers went over the time line noting that the last letter she received said financing would occur within 30 to 60 days and it is almost at the 60 days.

Alderman Dugger stated that the Town is in need of a Town Hall, although we need to start all over with a site selection committee. Alderman Dugger noted that according to the contract it was hoped to have everything completed within 13 months. It is now eight or nine months since the contract was signed. Mayor Lothers stated that the Town will have to vacate the plan when it is not viable.

Alderman Dugger asked if Mr. Tisano would give a guess on this being legitimate funding. Mr. Tisano stated that he would say 60 to 40 percent with 40 percent being against. Mayor Lothers asked that the Town Attorney review the contract and it sounded like a financing deadline needed to be addressed.

c. Sign Workshops Update:

Mayor Lothers noted that the fourth series will be free standing monument signs and the workshop will be conducted immediately following the Planning Commission meeting next Tuesday.

d. Safe Route to School Grant:

Mayor Lothers advised the Board that Engineer Swartz addressed this earlier during the Engineering report.

e. Sidewalk Conceptual Plan Proposal:

Mayor Lothers initiated a power point presentation on the proposal, noting that she had provided the Board a document from Florence and Hutcheson addressing this project.

f. Other:

Mayor Lothers distributed a TML Conference notice and told the Board to contact Cindy Lancaster if interested in attending this Conference.

Mayor Lothers advised the Board that the Budget Committee would begin meeting in the near future.

Mayor Lothers noted that the Mayor's Caucus was held today, and this group would be meeting with the School Superintendent.

Public hearing of ordinance #09-21, an ordinance to amend Zoning Ordinance #04-09, as it pertains to impervious surface standards in the Suburban Residential and Estate Residential zoning districts was opened at 8:22. There was no public comment and the public hearing was closed at 8:22.

Alderman Dugger made a motion to approve second reading of ordinance #09-18, an ordinance to amend the Zoning Map of the Town of Nolensville to rezone property currently Estate Residential (ER) to Village with Historic District Overlay (VHDO), and this was seconded by Alderman Alexander. With no comment the ordinance passed unanimously.

Alderman Felts made a motion to approve second reading of ordinance #09-19, an ordinance to amend Zoning Ordinance #04-09 of the Town of Nolensville as it pertains to public notices for applications for Certificates of Appropriateness to the Historic Zoning Commission, Alderman Snyder seconded. With no discussion the ordinance passed on second reading unanimously.

Alderman Dugger made a motion to approve with an amendment on first reading of ordinance #10-01, an ordinance to amend Title 19, Chapter 2, Subsection 19-204, of the Municipal Code pertaining to Piedmont Gas Franchise, in section, **Term Length**. "This franchise is granted for a term of twenty-five (25) years beginning from the date of approval by the Tennessee Regulatory Board, May 1, 2009 and ending at midnight May 1, 2034." A typographical error was made and it stated "2039", versus "2034", Alderman Felts seconded. With no further comment the Board unanimously approved this ordinance on first reading as amended.

Alderman Alexander made a motion to disapprove on first reading ordinance #10-02 an ordinance to amend Zoning Map of Nolensville, Tennessee to rezone property currently Suburban residential (SR)/Annexation Buffer Overlay (ABO) to Commercial Regional (CR) located at 7047 Nolensville Road, Alderman Felts seconded.

Counsel Notestine briefly described this ordinance. Alderman Alexander noted that he made the motion to disapprove due to the Planning Commissions recommendation to disapprove; it is contrary to the Land Use Plan in addition to the Brentwood Agreement. Alderman Alexander stated that he thought the request was for Commercial Services and not Commercial Regional. After discussion Alderman Alexander stated that he had heard that the applicant may seek legal action, therefore he withdrew his motion to approve this ordinance, Alderman Felts withdrew his second.

Alderman Alexander made a motion to defer this ordinance until clarification is made on the proper request, Alderman Felts seconded, and this passed unanimously.

Alderman Dugger made a motion to approve resolution #10-01, a resolution to release McFarlin Woods from a Maintenance Bond, Alderman Snyder seconded. This was approved unanimously.

Alderman Felts made a motion to approve resolution #10-02, a resolution to support the 2010 US Census Alderman Snyder seconded. Alderman Alexander briefly discussed this resolution. The vote was taken and this was approved unanimously.

Mayor Lothers made a motion to approve resolution #10-03, a resolution to support Arbor Day, Alderman Dugger seconded, and this resolution was approved unanimously.

Other:

Counsel Notestine updated the Board on current litigation noting that a hearing will be on Monday in regards to C.K. Development versus the Town of Nolensville. He noted that another court date was scheduled for March in regards to a 2004 speeding ticket.

Alderman Dugger asked for an update on the electric pole at Martin's Barbeque asking when it will be rectified, in addition to the parapet on the roof. Mayor Lothers stated that Counsel Notestine is creating bond requirements for the property owner to make corrections.

The meeting adjourned at 8:54 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor